

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
COMMISSIONER'S BOARD ROOM
JULY 22, 2004
10 AM – 12 NOON**

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE	
APPROVAL OF CHANGES TO THE AGENDA AND REMOVAL OF CONSENT AGENDA ITEMS WITH QUESTIONS, AS REQUESTED BY BOARD MEMBERS	
I. <u>CITIZEN'S COMMENTS</u>	
II. <u>CITIZEN'S ENVIRONMENTAL ADVISORY COMMITTEE</u> Report from the Chairman – David Jellerson	
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Any person who might wish to appeal any decision made by the Environmental Protection Commission regarding any matter considered at the forthcoming public hearing or meeting is hereby advised that they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made which will include the testimony and evidence upon which such appeal is to be based.

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AGENDA ITEM COVER SHEET

Date: July 14, 2004

Agenda Item: Public Hearing regarding proposed amendments to Chapter 1-11, Rules of the EPC, Wetlands

Description/Summary:

At the January 15, 2004 meeting, the Commission authorized staff to begin the rulemaking process to amend Chapter 1-11, Rules of the Commission in order to comply with Sec. 373.414 (18), F.S. and adopt the Uniform Wetland Mitigation Assessment Methodology set forth in Rule 62-345, F.A.C. The statute required a statewide rule for the development of a uniform wetland mitigation assessment method. The method is applicable to all local environmental regulatory programs. The CEAC reviewed and commented on the proposed amendments on April 5, 2004 and a public workshop was noticed and held on April 6, 2004. An additional public workshop was held on June 30, 2004 after minor revisions were made to the proposed amendments. On July 12, 2004, CEAC reviewed and voted to approve the proposed amendments. Written comments were solicited during the months of April through July 2004. Staff intends to bring the proposed amendments, for review and adoption, to the Commission during a Public Hearing at the July 22, 2004 Commission meeting.

Commission Action Recommended:

Hold a public hearing at 10:00 a.m. on July 22, 2004, to consider amendments to Chapter 1-11, Rules of the Commission.

1 **RULES OF THE**
2 **ENVIRONMENTAL PROTECTION**
3 **COMMISSION**
4 **OF HILLSBOROUGH COUNTY**

5
6 **CHAPTER 1-11**
7 **WETLANDS**
8

9 **PART I**

- 10 **1-11.01** Intent
11 **1-11.02** Definitions
12 **1-11.03** Identification of Wetlands
13 **1-11.04** Wetland Delineations
14 **1-11.05** Pollution Prohibited
15 **1-11.06** Review of Proposed
16 Development Within Wetlands
17 (Repealed and transferred in
18 part)
19 **1-11.07** Environmental Protection
20 Commission Authorization
21 **1-11.08** Minimum Requirements of a
22 Mitigation Plan
23 **1-11.09** Adequate Protection
24

25 **PART II (Wetland Recovery Area)**

- 26 **1-11.20** Designation of Recovery Areas
27 **1-11.21** Delineation of the Recovery
28 Areas
29 **1-11.22** Management Plans
30 **1-11.23** Monitoring and Evaluation
31 **1-11.24** Termination of Recovery Area
32 Restrictions
33

34 **PART I**

35 **1-11.01 INTENT**

36 1. The intent of this rule is to provide local
37 standards for the protection, maintenance and
38 utilization of wetlands within Hillsborough
39 County, while providing consistency with the
40 statewide standards for the identification and
41 delineation of wetlands, recognizing the rights
42 of individual property owners to use their lands
43 in a reasonable manner as well as the rights of
44 all citizens to protection and purity of the waters
45 of Hillsborough County and their associated
46 wetland ecosystems. The value of wetlands is
47 demonstrated by their ability to receive, store
48 and discharge surface water runoff so as to

49 contribute to the hydrological stability of water
50 courses, lakes, or bays; control flooding and
51 erosion; provide filtration and uptake of
52 nutrients and pollutants from surface water
53 runoff; provide habitat for plant and animal
54 species, including those species listed by the
55 Fish and Wildlife Conservation Commission
56 and/or U. S. Fish and Wildlife Service; provide
57 a significant ecological function in the life cycle
58 of fish, wildlife or other forms of animal or
59 plant life of neighboring habitats; function as an
60 integral part of a surface water course, lake or
61 bay; increase rainfall production through
62 available evaporative surfaces and recharge the
63 groundwater; buffer adjacent uplands from
64 hurricane and tidal storm surges; and provide
65 recreational opportunities to the citizens of
66 Hillsborough County. It is the policy of the
67 State of Florida and the Environmental
68 Protection Commission to preserve the essential
69 character of wetland property. The owner of
70 wetlands has no right to use them for a purpose
71 for which they are unsuited in their natural state.
72 It shall be the priority of the Environmental
73 Protection Commission to avoid the disturbance
74 of wetlands in the County and to encourage their
75 use only for purposes which are compatible with
76 their natural functions and environmental
77 benefits. It is the intent of the Commission that
78 development requiring mitigation be a last resort
79 used only when reasonable use of the property is
80 otherwise unavailable.

81 2. Marine wetlands are particularly valuable
82 resources to the residents of the county,
83 providing protection to water quality in the bay,
84 prevention of erosion and siltation, and natural
85 habitat for aquatic life upon which the local
86 economy is dependent. Their importance to the
87 ecological system and values of the Tampa Bay
88 region requires that they be protected from the
89 adverse impacts of human activities. The
90 Commission will use available resources and
91 media to provide information to the public,
92 especially boaters and swimmers, regarding the
93 nature, value and fragility of marine wetlands,
94 and so to enlist their assistance in avoiding such
95 adverse impacts as much as possible.

96 Section History - amended _____, 2004

1
2
3 **1-11.02 DEFINITIONS**

4 1. The definitions contained in sections 62-
5 340.200 and 62-345.200, F.A.C. are adopted by
6 reference.

7 2. The following definitions shall apply for
8 purposes of this rule unless a contrary meaning
9 is clearly indicated:

10 a. **Adverse Impact** - a negative affect
11 upon a wetland, resulting from development
12 which contaminates, alters or destroys, or which
13 contributes to the contamination, alteration or
14 destruction of a wetland or portion thereof such
15 that its environmental benefits are destroyed,
16 reduced or impaired or which threatens their
17 present or future functioning.

18 b. **Altered Wetlands** - wetlands
19 which have been substantially affected by
20 development but which continue to provide
21 some environmental benefit as provided in 1-
22 11.06.

23 c. **Development** - any manmade
24 change to real property, including but not
25 limited to dredging, filling, grading, paving,
26 excavating, clearing, timbering, ditching or
27 draining.

28 d. **Mitigation Plan** - specific
29 development activities designed to restore,
30 create, or replace environmental benefits of
31 wetlands within the area.

32 e. **Mitigation Wetlands Areas** -
33 wetlands or upland areas created, preserved,
34 enhanced, or restored for mitigation purposes
35 pursuant to agreement with governmental
36 officials.

37 f. **Recovery Areas** - areas designated
38 by the Commission pursuant to Section 1-11.20
39 as requiring special protection to recover and
40 restore their ecosystems functions.

41 g. **Waters of the County** - waters,
42 both surface and under-ground, which are
43 located either entirely or partially within the
44 geographic boundaries of Hillsborough County,
45 and also the physical features which regularly or
46 seasonally contain water by inundation or
47 saturation of surface or groundwater in years of
48 normal water conditions. Waters of

49 Hillsborough County include but are not limited
50 to the water and containing physical features of
51 bays, rivers, streams, lakes, ponds, swamps,
52 springs, impoundments and other waters
53 whether naturally or artificially created and
54 whether fresh, brackish, saline or tidal.

55 h. **Wetlands** - areas as defined by
56 section 373.019(17), F.S. included within waters
57 of the County which are inundated or saturated
58 by surface water or ground water at a frequency
59 and a duration sufficient to support, and under
60 normal circumstances do support, a prevalence
61 of vegetation typically adapted for life in
62 saturated soils. Soils present in wetlands
63 generally are classified as hydric or alluvial, or
64 possess characteristics that are associated with
65 reducing soil conditions. The prevalent
66 vegetation in wetlands generally consists of
67 facultative or obligate hydrophytic macrophytes
68 that are typically adapted to areas having soil
69 conditions described above. These species, due
70 to morphological, physiological, or reproductive
71 adaptations, have the ability to grow, reproduce,
72 or persist in aquatic environments or anaerobic
73 soil conditions. Florida wetlands generally
74 include swamps, marshes, bayheads, bogs,
75 cypress domes and strands, sloughs, wet
76 prairies, riverine swamps and marshes, hydric
77 seepage slopes, tidal marshes, mangrove
78 swamps, seagrass beds, and other similar areas.
79 Florida wetlands generally do not include
80 longleaf or slash pine flatwoods with an
81 understory dominated by saw palmetto.

82 Section History - amended _____, 2004

83
84
85 **1-11.06 REVIEW OF PROPOSED**
86 **DEVELOPMENT WITHIN**
87 **WETLANDS (Repealed and**
88 **transferred in part)**

89
90 ~~1. Upon request to the Environmental~~
91 ~~Protection Commission a review of proposed~~
92 ~~development of wetlands will be made by~~
93 ~~weighing the specific environmental benefits~~
94 ~~provided by the target wetland with the impact~~
95 ~~that the proposed development could reasonably~~
96 ~~be expected to have upon the wetland's ability to~~

~~1 provide those environmental benefits.
2 Environmental benefits include, but are not
3 limited to, the ability to:
4 receive, store and discharge surface water runoff
5 so as to contribute to hydrological stability and
6 control of flooding and erosion;
7 buffer adjacent uplands from hurricane and tidal
8 storm surges;
9 recharge the groundwater;
10 provide filtration and uptake of nutrients and
11 pollutants from surface water runoff;
12 provide habitat for fish, wildlife or other forms
13 of animal or plant life;
14 provide a link in the food chain of fish, wildlife
15 or other forms of animal or plant life;
16 provide habitat for any rare, endangered or
17 threatened species of animal or plant life which
18 utilize wetland habitats as listed by the Florida
19 Game and Fresh Water Fish Commission and/or
20 the U.S. Fish and Wildlife Service;
21 provide a significant ecological function in the
22 life cycle of fish, wildlife or other forms of
23 animal or plant life of neighboring habitats;
24 function as an integral part of a surface water
25 course, lake or bay; and
26 increase rainfall production through available
27 evaporative surfaces.
28 2. Consideration shall be made of
29 cumulative impacts of the proposed
30 development to the wetland system in
31 combination with other developments which
32 have been or may be proposed in the same
33 drainage basin.
34 3. Consideration shall be made of the
35 technical feasibility of proposed mitigation
36 plans and the likelihood of their success in
37 restoring or replacing the environmental benefit
38 impacted by the development.
39 Consideration shall be made of the wetland's
40 existing capacity to provide environmental
41 benefits because of such factors as maturity,
42 size, degree of prior alteration, physical
43 relationship to other water systems, and adjacent
44 land uses.~~

46 Section History – repealed and transferred in part _____,
47 2004
48

50 **1-11.08 MINIMUM REQUIREMENTS OF**
51 **A MITIGATION PLAN**

52 1. Pursuant to section 373.414(18), Florida
53 Statutes, Rules 62-345.200, F.A.C., through 62-
54 345.900, F.A.C., are adopted in their entirety
55 and are applicable to and enforceable by the
56 Commission. Upon request to the
57 Environmental Protection Commission, a review
58 of proposed developments affecting wetlands
59 will be made and Rules 62-345.200-900,
60 F.A.C., shall be used by the Commission and
61 applied to wetland development applications to
62 determine the amount of mitigation needed to
63 offset adverse impacts to wetlands and to award
64 and deduct mitigation bank credits. Where any
65 conflicts in rule language exists, Rules 62-
66 345.200-900, F.A.C., shall govern over Chapter
67 1-11.

68 2. The Commission shall apply Rules 62-
69 345.200-900, F.A.C., in determining the
70 required mitigation for secondary impacts. In
71 determining secondary impacts, the Commission
72 shall consider the diminishment of ecological
73 value in those wetland areas adjacent to a
74 proposed direct wetland impact.

75 3. The application of Rule 62-345.200-
76 900, F.A.C., is not intended to supersede or
77 replace existing rules regarding cumulative
78 impacts, justification of impacts as necessary for
79 reasonable use of the property, or to determine
80 the appropriateness of the type of mitigation
81 proposed.

82 4. The appropriate mitigation must have
83 equal or better ecological value as compared to
84 the affected wetland prior to impacts.

85 5. Where wetlands are proposed to be
86 impacted for an activity associated with mining
87 operations that qualify for the exemption in
88 subsection 373.414(15), Florida Statutes, or will
89 otherwise not be subject to Rule 62-345, F.A.C.,
90 pursuant to subsection 62-345.100(9), F.A.C.,
91 an acceptable mitigation plan shall include at
92 least acre for acre replacement of the same or
93 better type of wetland providing the
94 environmental benefits lost by reason of the
95 proposed development. Section 1-11.08(1),
96 adopting Rules 62-345.200-900, F.A.C., shall

1 not apply to those exempted activities listed in
2 section 1-11.08(5),

3 6. Where wetlands are or may be adversely
4 impacted by development, an acceptable
5 mitigation plan shall include detailed plans
6 designed to compensate for any adverse impact
7 to the environmental benefits and shall comply
8 with Commission rules and Rules 62-345.200-
9 900, F.A.C. All such mitigation must also
10 comply with the following:

11 a. specific design requirements based
12 upon conditions of the site and the type of
13 mitigation required;

14 b. a schedule to remove exotic or
15 nuisance vegetation;

16 c. monitoring and replacement to assure
17 a specified survival rate of vegetation for a
18 reasonable period as specified in the plan;

19 d. the entire mitigation area must be
20 confined within the geographic boundaries of
21 Hillsborough County;

22 e. a recorded designation in the Official
23 Records of Hillsborough County as a permanent
24 conservation easement as defined in section
25 704.06, F.S., whenever the mitigation area(s)
26 alone or cumulatively exceed 0.5 acres;

27 f. all upland areas preserved for
28 purposes of mitigation, regardless of their size,
29 shall be permanently preserved through a
30 conservation easement as defined in section
31 704.06, F.S., and

32 g. an acceptable mitigation plan shall
33 be reasonable and technically feasible.

34 7. An applicant for wetland impacts may
35 also obtain mitigation for wetland impacts by
36 purchasing mitigation credits from a fully
37 permitted wetland mitigation bank or through
38 the use of an offsite regional mitigation area.
39 The Commission may also award and deduct
40 mitigation bank credits from a mitigation bank
41 pursuant to the standards in this rule. All
42 reasonable attempts shall be made to locate this
43 mitigation effort within the geographic
44 boundaries of Hillsborough County

45
46 ~~Where wetlands are or may be adversely~~
47 ~~impacted by development, an acceptable~~
48 ~~mitigation plan shall include detailed plans~~

49 ~~designed to compensate for any adverse impact~~
50 ~~to the environmental benefits.~~

51 ~~Where all or part of a wetland is destroyed~~
52 ~~or substantially altered by development, an~~
53 ~~acceptable mitigation plan shall include at least:~~
54 ~~acre for acre replacement of the same or better~~
55 ~~type of wetland providing the environmental~~
56 ~~benefits lost by reason of the proposed~~
57 ~~development. All such replacements must~~
58 ~~comply with applicable state Environmental~~
59 ~~Resource Permit requirements;~~

60 ~~specific design requirements based upon~~
61 ~~conditions of the site and the type of wetland to~~
62 ~~be created or restored;~~

63 ~~a schedule to remove exotic or nuisance~~
64 ~~vegetation;~~

65 ~~monitoring and replacement to assure a~~
66 ~~specified survival rate of wetland vegetation for~~
67 ~~a reasonable period as specified in the plan; and~~

68 ~~recorded designation as a permanent~~
69 ~~conservation area or easement as defined in~~
70 ~~section 704.065 F.S. Whenever the area to be~~
71 ~~preserved exceeds 0.5 acres, the conservation~~
72 ~~area must be recorded as a conservation~~
73 ~~easement.~~

74 ~~An acceptable mitigation plan shall be~~
75 ~~reasonable and technically feasible.~~

76
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78 Section History - amended, 2004

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81 **1-11.09 ADEQUATE PROTECTION**

82 1. Only development under the following
83 circumstances may, at the discretion of the
84 Executive Director, shall be determined to
85 provide adequate protection of the
86 environmental benefits:

87 1.a. Where the adverse impact is of a temporary
88 nature and an acceptable mitigation plan will
89 restore the wetland to provide its previous
90 environmental benefit at the earliest feasible
91 time. Temporary, for purposes of this part,
92 means a reasonable time considering the activity
93 involved, but any impact of more than a year's
94 duration shall require a Commission vote of
95 approval;

96 2.b. Where the adverse impact is to previously

1 altered wetlands and an acceptable mitigation
2 plan will recreate in proximity to the original
3 wetland the same type of wetland with
4 equivalent or greater capacity to provide the
5 same environmental benefits. However,
6 mitigation wetlands may not be developed if the
7 only justification for development is that they
8 are altered wetlands. Where an acceptable and
9 appropriate mitigation plan pursuant to section
10 1-11.08, will adequately protect the
11 environmental benefits provided by the affected
12 wetland;

13 ~~3-c.~~ Where the adverse impact is completely
14 confined to such a small area as to be of
15 nominal consequence to the wetland system,
16 such as may occur with docks or boardwalks on
17 pilings;

18 ~~4.~~ Where the adverse impact has limited effect
19 on existing environmental benefits so as to not
20 be contrary to the public interest, and an
21 acceptable mitigation plan will create in an
22 adjoining portion of the wetland the same type
23 of wetland to provide the same environmental
24 benefits;

25 ~~5-d.~~ Where the adverse impact is offset by the
26 benefit of the development to the public, such
27 that it is clearly in the public interest and an
28 acceptable mitigation plan is proposed.
29 Examples may include, in appropriate
30 circumstances, the construction of public roads
31 or other public works; or

32 ~~6-e.~~ Where adverse impact can be prevented by
33 appropriate precautions, such as control of the
34 quantity and quality of stormwater run off into
35 isolated wetland systems; or

36 ~~7.~~ Where, upon favorable recommendation of
37 the Executive Director and approval by the
38 Commission, adverse impact is to previously
39 altered wetlands and a mitigation plan will
40 incorporate the preservation of valuable uplands
41 which are ecologically connected to Waters of
42 the County and which augment some wetland
43 function of those waters, and the preserved
44 upland acreage is twice that of a disturbed
45 herbaceous wetland or three times that of a
46 disturbed forested wetland. Applicants
47 proposing such upland mitigation shall provide
48 15 days written notice to owners of adjacent

49 property and to each registered neighborhood
50 organization within 1 mile of the proposed
51 impact, a description of the mitigation proposal,
52 the name and telephone number of a contact for
53 more information, and the date and time when
54 the matter will be considered by the
55 Commission. Staff will not recommend, nor
56 will the Commission approve any project
57 without assurance that "no net loss" criteria are
58 met.

59
60 2. Consideration shall be made of
61 cumulative impacts of proposed development to
62 the wetland system in combination with other
63 developments which have been or may be
64 proposed in the same drainage basin.

65
66 Section History - amended _____, 2004

67

APRIL 7, 2004 - ENVIRONMENTAL PROTECTION COMMISSION SPECIAL MEETING - DRAFT
MINUTES

The Environmental Protection Commission (EPC), Hillsborough County, Florida, met in Special Meeting to consider Arbitration of the Tampa Bay Water (TBW) Optimized Regional Operations Plan for 2004 and the TBW Issue Relating to Unlined Construction and Demolition Debris Landfill Adjacent to the South Prong of the Alafia River in Polk County, scheduled for Wednesday, April 7, 2004, at 2:15 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Jan Platt and Commissioners Kathy Castor, Pat Frank, Ken Hagan, Jim Norman, Thomas Scott, and Ronda Storms.

Chairman Platt called the meeting to order at 2:57 p.m.

Attorney Rick Muratti, EPC Legal Department, reviewed the item and staff recommendation not to arbitrate the item. **Commissioner Castor moved staff recommendation, seconded by Commissioner Norman, and carried six to zero.** (Commissioner Hagan was out of the room.)

Commissioner Frank initiated discussion regarding the TBW issue. Attorney Muratti responded to Chairman Platt regarding sunshine laws and the appropriateness of discussing the issue. After noting there had been a hearing for approval of the landfill, **Commissioner Frank requested the EPC Board direct the County Water Resource Team (WRT) and EPC staff to support the position of TBW for inclusion of monitoring requirements in the conditional use application of Kovacs Brothers Incorporated pending before the Polk County board of county commissioners for a proposed construction and demolition debris landfill near the south prong of the Alafia River; further, direct the County WRT and EPC staff to review all applicable environmental permitting requirements for the landfill, including Department of Environmental Protection (DEP) permit requirements, and report back to the EPC Board regarding the evaluation.** Mr. Anthony D'Aquila, EPC staff, asked the EPC Board to endorse the language presented by Commissioner Frank.

Chairman Platt noted Dr. Richard Garrity, EPC Executive Director, had said EPC had not expressed opposition, because in his opinion the landfill met all environmental requirements. She was also told the WRT had not responded, because they had not been directed to do so. Chairman Platt opined the EPC Board should have been alerted to provide direction and stated the appeal time had passed. Mr. D'Aquila explained no formal DEP application had been filed for the landfill, and from an environmental regulatory perspective, the County still had time to react.

WEDNESDAY, APRIL 7, 2004 - DRAFT MINUTES

Assistant County Attorney Edward Helvenston clarified the County could present written or oral input to Polk County, and TBW did not oppose the project but had proposed additional monitoring requirements. Commissioner Norman noted comments had been made about moving the landfill to another location. Attorney Helvenston reviewed permitting issues and stated the WRT would request notification when permits were filed.

Following clarification, **Commissioner Castor seconded the motion, which carried six to zero.** (Commissioner Norman was out of the room.)

There being no further business, the meeting was adjourned at 3:11 p.m.

READ AND APPROVED: _____

CHAIRMAN

ATTEST:

RICHARD AKE, CLERK

By: _____
Deputy Clerk

kc

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
MAY

A. Public Outreach/Education Assistance:		
1. Phone Calls:		283
2. Literature Distributed:		<u>1784</u>
3. Presentations:		<u>24</u>
4. Media Contacts:		<u>1</u>
5. Internet:		<u>60</u>
6. Host/Sponsor Workshops, Meetings, Special Events (Tomato Festival and Clean Air Fair)		<u>2</u>
B. Industrial Air Pollution Permitting		
1. Permit Applications Received (Counted by Number of Fees Received):		
a. Operating:		<u>6</u>
b. Construction:		<u>3</u>
c. Amendments:		<u>0</u>
d. Transfers/Extensions:		<u>1</u>
e. General:		<u>0</u>
f. Title V:		<u>5</u>
2. Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):		
a. Operating ¹ :		<u>9</u>
b. Construction ¹ :		<u>13</u>
c. Amendments ¹ :		<u>0</u>
d. Transfers/Extensions ¹ :		<u>1</u>
e. Title V Operating ² :		<u>18</u>
f. Permit Determinations ² :		<u>1</u>
g. General:		<u>1</u>
3. Intent to Deny Permit Issued:		<u>0</u>
C. Administrative Enforcement		
1. New cases received:		<u>0</u>
2. On-going administrative cases:		
a. Pending:		<u>3</u>
b. Active:		<u>23</u>
c. Legal:		<u>4</u>
d. Tracking compliance (Administrative):		<u>36</u>
e. Inactive/Referred cases:		<u>0</u>
	Total	<u>66</u>
3. NOIs issued:		<u>2</u>
4. Citations issued:		<u>0</u>
5. Consent Orders Signed:		<u>4</u>
6. Contributions to the Pollution Recovery Fund:		<u>\$7,666.00</u>
7. Cases Closed:		<u>0</u>

D.	Inspections:	
	1. Industrial Facilities:	<u>16</u>
	2. Air Toxics Facilities:	
	a. Asbestos Emitters	<u>0</u>
	b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>7</u>
	c. Major Sources	<u>0</u>
	3. Asbestos Demolition/Renovation Projects:	<u>16</u>
E.	Open Burning Permits Issued:	<u>8</u>
F.	Number of Division of Forestry Permits Monitored:	<u>281</u>
G.	Total Citizen Complaints Received:	<u>58</u>
H.	Total Citizen Complaints Closed:	<u>48</u>
I.	Noise Sources Monitored:	<u>7</u>
J.	Air Program's Input to Development Regional Impacts:	<u>9</u>
K.	Test Reports Reviewed:	<u>30</u>
L.	Compliance:	
	1. Warning Notices Issued:	<u>16</u>
	2. Warning Notices Resolved:	<u>22</u>
	3. Advisory Letters Issued:	<u>5</u>
M.	AOR's Reviewed:	<u>45</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>6</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
MAY

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	<u>\$ -0-</u>
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$2,760.00</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$2,600.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 80.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	\$3,800.00
(b) for structure greater than 50,000 sq ft	<u>\$ 600.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	\$ 900.00
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$1,000.00</u>
8. Open burning authorization	<u>\$5,800.00</u>
9. Enforcement Costs	<u>\$3,887.53</u>

MONTHLY ACTIVITIES REPORT
AIR MANAGEMENT DIVISION
JUNE

A.	Public Outreach/Education Assistance:	
1.	Phone Calls:	367
2.	Literature Distributed:	<u>59</u>
3.	Presentations:	<u>8</u>
4.	Media Contacts:	<u>1</u>
5.	Internet:	<u>68</u>
6.	Host/Sponsor Workshops, Meetings, Special Events	<u>0</u>
B.	Industrial Air Pollution Permitting	
1.	Permit Applications Received (Counted by Number of Fees Received):	
a.	Operating:	5
b.	Construction:	<u>5</u>
c.	Amendments:	<u>0</u>
d.	Transfers/Extensions:	<u>1</u>
e.	General:	<u>2</u>
f.	Title V:	<u>2</u>
2.	Delegated Permits Issued by EPC and Non-delegated Permits Recommended to DEP for Approval (¹ Counted by Number of Fees Collected) - (² Counted by Number of Emission Units affected by the Review):	
a.	Operating ¹ :	3
b.	Construction ¹ :	<u>3</u>
c.	Amendments ¹ :	<u>0</u>
d.	Transfers/Extensions ¹ :	<u>0</u>
e.	Title V Operating ² :	<u>6</u>
f.	Permit Determinations ² :	<u>2</u>
g.	General:	<u>1</u>
3.	Intent to Deny Permit Issued:	<u>0</u>
C.	Administrative Enforcement	
1.	New cases received:	<u>3</u>
2.	On-going administrative cases:	
a.	Pending:	6
b.	Active:	<u>18</u>
c.	Legal:	<u>5</u>
d.	Tracking compliance (Administrative):	<u>34</u>
e.	Inactive/Referred cases:	<u>0</u>
	Total	<u>63</u>
3.	NOIs issued:	<u>0</u>
4.	Citations issued:	<u>0</u>
5.	Consent Orders Signed:	<u>2</u>
6.	Contributions to the Pollution Recovery Fund:	<u>\$9,566.00</u>
7.	Cases Closed:	<u>6</u>

D.	Inspections:	
	1. Industrial Facilities:	<u>19</u>
	2. Air Toxics Facilities:	
	a. Asbestos Emitters	<u>0</u>
	b. Area Sources (i.e. Drycleaners, Chrome Platers, etc...)	<u>12</u>
	c. Major Sources	<u>0</u>
	3. Asbestos Demolition/Renovation Projects:	<u>32</u>
E.	Open Burning Permits Issued:	<u>6</u>
F.	Number of Division of Forestry Permits Monitored:	<u>325</u>
G.	Total Citizen Complaints Received:	<u>57</u>
H.	Total Citizen Complaints Closed:	<u>55</u>
I.	Noise Sources Monitored:	<u>8</u>
J.	Air Program's Input to Development Regional Impacts:	<u>2</u>
K.	Test Reports Reviewed:	<u>103</u>
L.	Compliance:	
	1. Warning Notices Issued:	<u>13</u>
	2. Warning Notices Resolved:	<u>32</u>
	3. Advisory Letters Issued:	<u>5</u>
M.	AOR's Reviewed:	<u>25</u>
N.	Permits Reviewed for NESHAP Applicability:	<u>6</u>

FEES COLLECTED FOR AIR MANAGEMENT DIVISION
JUNE

	Total Revenue
1. Non-delegated construction permit for an air pollution source	
(a) New Source Review or Prevention of Significant Deterioration sources	\$ -0-
(b) all others	<u>\$ -0-</u>
2. Non-delegated operation permit for an air pollution source	
(a) class B or smaller facility - 5 year permit	\$ -0-
(b) class A2 facility - 5 year permit	\$ -0-
(c) class A1 facility - 5 year permit	<u>\$ -0-</u>
3. (a) Delegated Construction Permit for air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$ -0-</u>
(b) Delegated operation permit for an air pollution source (20% of the amount collected is forwarded to the DEP and not included here)	<u>\$4,800.00</u>
(c) Delegated General Permit (20% is forwarded to DEP and not included here)	<u>\$ 240.00</u>
4. Non-delegated permit revision for an air pollution source	<u>\$ -0-</u>
5. Non-delegated permit transfer of ownership, name change or extension	<u>\$ -0-</u>
6. Notification for commercial demolition	
(a) for structure less than 50,000 sq ft	<u>\$5,400.00</u>
(b) for structure greater than 50,000 sq ft	<u>\$ 300.00</u>
7. Notification for asbestos abatement	
(a) renovation 160 to 1000 sq ft or 260 to 1000 linear feet of asbestos	<u>\$ -0-</u>
(b) renovation greater than 1000 linear feet or 1000 sq ft	<u>\$3,500.00</u>
8. Open burning authorization	<u>\$4,600.00</u>
9. Enforcement Costs	<u>\$2,558.70</u>

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
June 2003**

	Totals
A. General	
1. Telephone Conferences	679
2. Unscheduled Citizen Assistance	94
3. Scheduled Meetings	206
4. Correspondence	53
B. Assessment Reviews	
1. Wetland Delineations	82
2. Surveys	82
3. Miscellaneous Activities in Wetland	52
4. Impact/ Mitigation Proposal	9
5. Tampa Port Authority Permit Applications	44
6. Wastewater Treatment Plants (FDEP)	1
7. DRI Annual Report	2
8. Land Alteration/Landscaping	0
9. Land Excavation	2
10. Phosphate Mining	0
11. Rezoning Reviews	41
12. CPA	0
13. Site Development	36
14. Subdivision	79
15. Wetland Setback Encroachment	0
16. Easement/Access-Vacating	1
17. Pre-Applications	80
18. On-Site Visits	97
C. Investigation and Compliance	
1. Complaints Received	22
2. Complaints Closed	31
3. Warning Notices Issued	17
4. Warning Notices Closed	18
5. Complaint Inspections	48
6. Return Compliance Inspections	0
7. Mitigation Monitoring Reports	37
8. Mitigation Compliance Inspections	59
9. Erosion Control Inspections	50
D. Enforcement	
1. Active Cases	12
2. Legal Cases	0
3. Number of "Notice of Intent to Initiate Enforcement"	2
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	2
6. Administrative - Civil Cases Closed	1
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$0.00
9. Enforcement Costs Collected	\$775.00

EPC WETLANDS MONTHLY WORKSHEET

General	Enforcement	Compliance	Assessment	Engineering	Admin	Totals
Telephone Conferences			22	188	469	679
Unscheduled Citizen Assistance			12	17	65	94
Scheduled Meetings			67	58	81	206
Correspondence	11	42				53
Assessment Reviews						
Wetland Delineations			82			82
Surveys			32			32
Miscellaneous Activities in Wetland			52			52
Impact/ Mitigation Proposal			9			9
Tampa Port Authority Permit Applications			44			44
Wastewater Treatment Plants (FDEP)			1			1
DRI Annual Report			2			2
Land Alteration/Landscaping						0
Land Excavation			2			2
Phosphate Mining						0
Rezoning Reviews			41			41
CPA						0
Site Development			36			36
Subdivision			79			79
Wetland Setback Encroachment						0
Easement/Access-Vacating			1			1
Pre-Applications			80			80
On-Site Visits			96	1		97
Investigation and Compliance						
Complaints Received		22				22
Complaints Closed		31				31
Warning Notices Issued		17				17
Warning Notices Closed		18				18
Complaint Inspections		48				48
Return Compliance Inspections		58				58
Mitigation Monitoring Reports		36	1			37
Mitigation Compliance Inspections		44	15			59
Erosion Control Inspections		50				50
Enforcement						
Active Cases	12					12
Legal Cases						0
Number of "Notice of Intent to Initiate Enf	2					2
Number of Citations Issued						0
Number of Consent Orders Signed	2					2
Administrative - Civil Cases Closed	1					1
Cases Referred to Legal Department	2					2
Contributions to Pollution Recovery						\$0.00
Enforcement Costs Collected	\$775					\$775.00

**EPC WETLANDS MANAGEMENT DIVISION
BACKUP AGENDA
May 2003**

	Totals
A. General	
1. Telephone Conferences	888
2. Unscheduled Citizen Assistance	107
3. Scheduled Meetings	199
4. Correspondence	78
B. Assessment Reviews	
1. Wetland Delineations	73
2. Surveys	12
3. Miscellaneous Activities in Wetland	35
4. Impact/ Mitigation Proposal	5
5. Tampa Port Authority Permit Applications	63
6. Wastewater Treatment Plants (FDEP)	1
7. DRI Annual Report	6
8. Land Alteration/Landscaping	2
9. Land Excavation	1
10. Phosphate Mining	2
11. Rezoning Reviews	25
12. CPA	1
13. Site Development	39
14. Subdivision	69
15. Wetland Setback Encroachment	0
16. Easement/Access-Vacating	1
17. Pre-Applications	64
18. On-Site Visits	154
C. Investigation and Compliance	
1. Complaints Received	32
2. Complaints Closed	53
3. Warning Notices Issued	27
4. Warning Notices Closed	17
5. Complaint Inspections	41
6. Return Compliance Inspections	42
7. Mitigation Monitoring Reports	21
8. Mitigation Compliance Inspections	41
9. Erosion Control Inspections	42
D. Enforcement	
1. Active Cases	49
2. Legal Cases	2
3. Number of "Notice of Intent to Initiate Enforcement"	2
4. Number of Citations Issued	0
5. Number of Consent Orders Signed	2
6. Administrative - Civil Cases Closed	42
7. Cases Referred to Legal Department	2
8. Contributions to Pollution Recovery	\$5,750.00
9. Enforcement Costs Collected	\$795.00

EPC WETLANDS MONTHLY WORKSHEET

General	Enforcement	Compliance	Assessment	Engineering	Admin	Totals
Telephone Conferences			108	324	456	888
Unscheduled Citizen Assistance			38	22	47	107
Scheduled Meetings			85	67	47	199
Correspondence	10	66		2		78
Assessment Reviews						
Wetland Delineations			73			73
Surveys			12			12
Miscellaneous Activities in Wetland			35			35
Impact/ Mitigation Proposal			5			5
Tampa Port Authority Permit Applications			63			63
Wastewater Treatment Plants (FDEP)			1			1
DRI Annual Report			6			6
Land Alteration/Landscaping			2			2
Land Excavation			1			1
Phosphate Mining			2			2
Rezoning Reviews			25			25
CPA			1			1
Site Development			39			39
Subdivision			69			69
Wetland Setback Encroachment						0
Easement/Access-Vacating			1			1
Pre-Applications			64			64
On-Site Visits			152	2		154
Investigation and Compliance						
Complaints Received		32				32
Complaints Closed		53				53
Warning Notices Issued		27				27
Warning Notices Closed		17				17
Complaint Inspections		41				41
Return Compliance Inspections		42				42
Mitigation Monitoring Reports		18	3			21
Mitigation Compliance Inspections		31	10			41
Erosion Control Inspections		42				42
Enforcement						
Active Cases	49					49
Legal Cases	2					2
Number of "Notice of Intent to Initiate Enforcen	2					2
Number of Citations Issued						0
Number of Consent Orders Signed	2					2
Administrative - Civil Cases Closed	42					42
Cases Referred to Legal Department	2					2
Contributions to Pollution Recovery	\$5,750					\$5,750
Enforcement Costs Collected	\$795					\$795

MEMORANDUM

DATE: July 15, 2004

TO: Tom Koulianos, Director of Finance and Administration

FROM: Joyce H. Moore, Executive Secretary, Waste Management Division through
Hooshang Boostani, Director of Waste Management

SUBJECT: **WASTE MANAGEMENT'S JUNE 2004
AGENDA INFORMATION**

A. ADMINISTRATIVE ENFORCEMENT

1. New cases received	3
2. On-going administrative cases	113
a. Pending	15
b. Active	68
c. Legal	5
d. Tracking Compliance (Administrative)	25
e. Inactive/Referred Cases	0
3. NOI's issued	0
4. Citations issued	1
5. Consent Orders and Settlement Letters Signed	0
6. Civil Contributions to the Pollution Recovery Fund	\$2,538
7. Enforcement Costs collected	\$665
9. Cases Closed	0

B. SOLID AND HAZARDOUS WASTE

1. Permits (received/reviewed)	2/0
2. EPC Authorization for Facilities NOT requiring DEP permit	1/0
3. Other Permits and Reports	
a. County Permits	2/1
b. Reports	49/54
4. Inspections (Total)	179
a. Complaints	28
b. Compliance/Reinspections	6
c. Facility Compliance	14
d. Small Quantity Generator	131
e. P2 Audits	0
5. Enforcement	
a. Complaints Received/Closed	26/21
b. Warning Notices Issued/Closed	0/1
c. Compliance letters	10
d. Letters of Agreement	1
e. DEP Referrals	0
6. Pamphlets, Rules and Material Distributed	117

C. STORAGE TANK COMPLIANCE

1. Inspections	
a. Compliance	11
b. Installation	12
c. Closure	8
d. Compliance Re-Inspections	51
2. Installation Plans Received/Reviewed	7/7
3. Closure Plans & Reports	
a. Closure Plans Received/ Reviewed	5/5
b. Closure Reports Received/Reviewed	16/12
4. Enforcement	
a. Non-compliance Letters Issued/Closed	19/19
b. Warning Notices Issued/Closed	4/4
c. Cases referred to Enforcement	3
d. Complaints Received/Investigated	0
e. Complaints Referred	0
5. Discharge Reporting Forms Received	2
6. Incident Notification Forms Received	6
7. Cleanup Notification Letters Issued	5
8. Public Assistance	200+

D. STORAGE TANK CLEANUP

1. Inspections	27
2. Reports Received/Reviewed	92/81
a. Site Assessment	27/24
b. Source Removal	2/3
c. Remedial Action Plans (RAP's)	15/13
d. Site Rehabilitation Completion Order/ No Further Action Order	8/6
e. Others	40/35
3. State Cleanup	
a. Active Sites	NO LONGER ADMINISTERED
b. Funds Dispersed	

E. RECORD REVIEWS

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**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION
MAY, 2004**

A. ENFORCEMENT

1. New Enforcement Cases Received:	9
2. Enforcement Cases Closed:	2
3. Enforcement Cases Outstanding:	56
4. Enforcement Documents Issued:	12
5. Recovered costs to the General Fund:	\$1,309.65
6. Contributions to the Pollution Recovery Fund:	\$3,500.00

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Regents Walk Apt. Homes	Improper Operation/Failure to Maintain; Unpermitted Discharge	\$ 500.00
b. Wolfson Property	Placement of C/S in Service w/o Acceptance Letter	\$ 500.00
c. Salvation Army Maintenance Bldg.	Construction w/o a Permit	\$1,000.00
d. Fishhawk Ranch Townhomes	Construction w/o Permit	\$1,000.00
e. Belmont Estates	Placement of C/S in Service w/o Acceptance Letter	\$ 500.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	33
a. Facility Permit:	8
(i) Types I and II	1
(ii) Type III	7
b. Collection Systems-General:	10
c. Collection Systems-Dry Line/Wet Line:	15
d. Residuals Disposal:	0
2. Permit Applications Approved:	33
a. Facility Permit:	9
b. Collection Systems-General:	10
c. Collection Systems-Dry Line/Wet Line:	14
d. Residuals Disposal:	0
3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated) Recommended for Approval:	0

5. Permits Withdrawn:	0
a. Facility Permit:	<u>0</u>
b. Collection Systems-General:	<u>0</u>
c. Collection Systems-Dry Line/Wet Line:	<u>0</u>
d. Residuals Disposal:	<u>0</u>
6. Permit Applications Outstanding:	44
a. Facility Permit:	<u>13</u>
b. Collection Systems-General:	<u>28</u>
c. Collection Systems-Dry Line/Wet Line:	<u>3</u>
d. Residuals Disposal:	<u>0</u>
7. Permit Determination:	<u>4</u>
8. Special Project Reviews:	0
a. ARs:	<u>0</u>
b. Reuse:	<u>0</u>
c. Residuals/AUPs:	<u>0</u>
d. Others:	<u>0</u>
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation:	12
a. Inspection (CEI):	<u>6</u>
b. Sampling Inspection (CSI):	<u>6</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	36
a. Inspection (RI):	<u>13</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>32</u>
d. Enforcement Inspection (ERI):	<u>1</u>
3. Engineering Inspections:	35
a. Reconnaissance Inspection (RI):	<u>2</u>
b. Sample Reconnaissance Inspection (SRI):	<u>0</u>
c. Residual Site Inspection (RSI):	<u>0</u>
d. Preconstruction Inspection (PCI):	<u>11</u>
e. Post Construction Inspection (XCI):	<u>22</u>
f. On-site Engineering Evaluation:	<u>0</u>
g. Enforcement Reconnaissance Inspection (ERI):	<u>0</u>
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received:	1
a. Facility Permit:	<u>0</u>
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>1</u>
b. General Permit:	<u>0</u>

c. Preliminary Design Report:	
(i) Types I and II	<u>0</u>
(ii) Type III with groundwater monitoring	<u>0</u>
(iii) Type III w/o groundwater monitoring	<u>0</u>
2. Permits Recommended to DEP for Approval:	<u>0</u>
3. Special:	
a. Facility Permits:	<u>0</u>
b. General Permits:	<u>0</u>
4. Permitting Determination:	<u>0</u>
5. Special Project Reviews:	
a. ARs:	<u>0</u>
b. Phosphate DMRs:	<u>2</u>
c. Phosphate:	<u>2</u>
d. Industrial Wastewater:	<u>10</u>
e. Others:	<u>9</u>
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation:	<u>11</u>
a. Inspection (CEI):	<u>11</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Toxics Sampling Inspection (XSI):	<u>0</u>
d. Performance Audit Inspection (PAI):	<u>0</u>
2. Reconnaissance:	<u>18</u>
a. Inspection (RI):	<u>11</u>
b. Sample Inspection (SRI):	<u>0</u>
c. Complaint Inspection (CRI):	<u>6</u>
d. Enforcement Reconnaissance Inspections (ERI):	<u>1</u>
3. Engineering Inspections:	<u>0</u>
a. Compliance Evaluation (CEI):	<u>0</u>
b. Sampling Inspection (CSI):	<u>0</u>
c. Performance Audit Inspection (PAI):	<u>0</u>
d. Complaint Inspection (CRI):	<u>0</u>
e. Enforcement Reconnaissance Inspections (ERI):	<u>0</u>
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints:	<u>22</u>
a. Domestic:	<u>11</u>
(i) Received:	<u>8</u>
(ii) Closed:	<u>3</u>
b. Industrial:	<u>11</u>
(i) Received:	<u>6</u>
(ii) Closed:	<u>5</u>

2. Warning Notices:	<u>23</u>
a. Domestic:	<u>16</u>
(i) Received:	<u>9</u>
(ii) Closed:	<u>7</u>
b. Industrial:	<u>7</u>
(i) Received:	<u>2</u>
(ii) Closed:	<u>5</u>
3. Non-Compliance Advisory Letters:	<u>23</u>
4. Environmental Compliance Reviews:	<u>161</u>
a. Industrial:	<u>25</u>
b. Domestic:	<u>136</u>
5. Special Project Reviews:	<u>5</u>
a. ARs:	<u>1</u>
b. Others:	<u>4</u>
G. RECORD REVIEWS	
1. Permitting:	<u>3</u>
2. Enforcement:	<u>1</u>
H. ENVIRONMENTAL SAMPLES ANALYSED FOR	
1. Air Division:	<u>55</u>
2. Waste Division:	<u>0</u>
3. Water Division:	<u>16</u>
4. Wetlands Division:	<u>0</u>
5. ERM Division:	<u>108</u>
I. SPECIAL PROJECT REVIEWS	
1. DRI's:	<u>6</u>
2. ARs:	<u>0</u>
3. Technical Support:	<u>1</u>
4. Other:	<u>2</u>

AR05.04

**ACTIVITIES REPORT
WATER MANAGEMENT DIVISION
JUNE, 2004**

A. ENFORCEMENT

1. New Enforcement Cases Received:	8
2. Enforcement Cases Closed:	7
3. Enforcement Cases Outstanding:	59
4. Enforcement Documents Issued:	12
5. Recovered costs to the General Fund:	\$2,743.88
6. Contributions to the Pollution Recovery Fund:	\$11,900.82

<u>Case Name</u>	<u>Violation</u>	<u>Amount</u>
a. Summerview Oaks	Placement of C/S in service without acceptance letter	\$83.33
b. Regents Walk Apts.	Improper operation/failure to maintain; unpermitted discharge	\$500.00
c. Country Road Park		\$1,000.00
d. Long John Silvers	Placement of C/S in service without acceptance letter	\$500.00
e. MacDill FCU	Construction w/out a permit	\$1,000.00
f. Valrico Station Apts.	Improper operation/failure to maintain; violation of permit conditions	\$6,817.49
g. Tampa Cath. High Sch	Placement of C/S in service without acceptance letter	\$500.00
h. Seffner Christian	Construction w/out a permit	\$1,000.00
i. Mantanzas Town Homes	Placement of C/S in service without acceptance letter	\$500.00

B. PERMITTING/PROJECT REVIEW - DOMESTIC

1. Permit Applications Received:	31
a. Facility Permit:	5
(i) Types I and II	0
(ii) Types III	5
b. Collection Systems-General	11
c. Collection Systems-Dry Line/Wet Line:	15
d. Residuals Disposal:	0
2. Permit Applications Approved:	25
a. Facility Permit:	0
b. Collection Systems-General:	12
c. Collection Systems-Dry Line/Wet Line:	13
d. Residuals Disposal:	0

3. Permit Applications Recommended for Disapproval:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
4. Permit Applications (Non-Delegated):	0
a. Recommended for Approval:	0
5. Permits Withdrawn:	0
a. Facility Permit:	0
b. Collection Systems-General:	0
c. Collection Systems-Dry Line/Wet Line:	0
d. Residuals Disposal:	0
6. Permit Applications Outstanding:	40
a. Facility Permit:	18
b. Collection Systems-General:	27
c. Collection Systems-Dry Line/Wet Line:	5
d. Residuals Disposal:	0
7. Permit Determination:	4
8. Special Project Reviews:	1
a. ARs:	0
b. Reuse:	0
c. Residuals/AUPs:	0
d. Others:	1
C. INSPECTIONS - DOMESTIC	
1. Compliance Evaluation:	20
a. Inspection (CEI):	3
b. Sampling Inspection (CSI):	16
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	1
2. Reconnaissance:	42
a. Inspection (RI):	4
b. Sample Inspection (SRI):	0
c. Complaint Inspection (CRI):	38
d. Enforcement Inspection (ERI):	0

3. Engineering Inspections:	0
a. Reconnaissance Inspection (RI):	0
b. Sample Reconnaissance Inspection (SRI):	0
c. Residual Site Inspection (RSI):	0
d. Preconstruction Inspection (PCI):	0
e. Post Construction Inspection (XCI):	0
f. On-site Engineering Evaluation:	0
g. Enforcement Reconnaissance Inspection (ERI):	0
D. PERMITTING/PROJECT REVIEW - INDUSTRIAL	
1. Permit Applications Received:	6
a. Facility Permit:	4
(i) Types I and II	1
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	1
b. General Permit:	2
c. Preliminary Design Report:	2
(i) Types I and II	0
(ii) Type III with Groundwater Monitoring:	0
(iii) Type III w/o Groundwater Monitoring:	2
2. Permits Recommended for Approval/Denial:	3
3. Special:	0
a. Facility Permits:	0
b. General Permits:	0
4. Permitting Determination:	1
5. Special Project Reviews:	50
a. ARs:	0
b. Phosphate DMRs:	3
c. Phosphate:	19
d. Industrial Wastewater:	11
e. Others:	17
E. INSPECTIONS - INDUSTRIAL	
1. Compliance Evaluation:	11
a. Inspection (CEI):	11
b. Sampling Inspection (CSI):	0
c. Toxics Sampling Inspection (XSI):	0
d. Performance Audit Inspection (PAI):	0

2. Reconnaissance:	31
a. Inspection (RI):	16
b. Sample Inspection (SRI):	3
c. Complaint Inspection (CRI):	11
d. Enforcement Reconnaissance Inspections (ERI):	1
3. Engineering Inspections:	0
a. Compliance Evaluation (CEI):	0
b. Sampling Inspection (CSI):	0
c. Performance Audit Inspection (PAI):	0
d. Complaint Inspection (CRI):	0
e. Enforcement Reconnaissance Inspections (ERI):	0
F. INVESTIGATION/COMPLIANCE	
1. Citizen Complaints:	
a. Domestic:	35
(i) Received:	17
(ii) Closed:	17
b. Industrial:	21
(i) Received:	11
(ii) Closed:	10
2. Warning Notices:	
a. Domestic:	28
(i) Received:	14
(ii) Closed:	14
b. Industrial:	6
(i) Received:	6
(ii) Closed:	0
3. Non-Compliance Advisory Letters:	26
4. Environmental Compliance Reviews:	
a. Industrial:	45
b. Domestic:	109
5. Special Project Reviews:	
a. ARs:	1
b. Others:	23
G. RECORD REVIEWS	
1. Permitting:	4
2. Enforcement:	1

H. ENVIRONMENTAL SAMPLES ANALYZED FOR:

1. Air Division:	60
2. Waste Division:	0
3. Water Division:	19
4. Wetlands Division:	0
5. ERM Division:	137

I. SPECIAL PROJECT REVIEWS:

1. DRIs:	2
2. ARs:	1
3. Technical Support:	2
4. Other:	6

EPC LEGAL DEPARTMENT MONTHLY REPORT
June 2004

A. ADMINISTRATIVE CASES

NEW CASES [0]

EXISTING CASES [5]

FIBA/Bridge Realty [LBRI95-162]: EPC issued a citation to the owner, Bridge Realty and former tenant FIBA Corp., for various unlawful waste management practices. It was ordered that a contamination assessment must be conducted, a report submitted and contaminated material appropriately handled. Bridge Realty and FIBA appealed. Bridge Realty initiated a limited assessment and staff requested additional information only a portion of which was delivered. However, an alternate remedial plan was approved and staff is reviewing the final report. (RT)

Cone Constructors, Inc. [LCONB99-006]: (*See related case under Civil Cases*). Citation for Noise Rule violations during the construction of the Suncoast Parkway was appealed. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (RT)

Col Met, Inc. [LCOL03-019]: On March 19, 2003, Co Met, Inc. was issued a Citation to Cease and Order to Correct Violation regarding its aluminum painting operation. Col Met, Inc. timely filed an Appeal of the Citation. The company has since ceased operations and is negotiating a sale. The matter has been held in abeyance pending result of the sale and a determination whether the operation will continue. (RT)

Shafii, Esfandiar, M.D. [LSHA04-002]: The EPC issued a miscellaneous activities permit for the construction of a dock on Lake Alice for Kenneth Barkett. The neighbor challenged the issuance of the authorization through filing a Notice of Appeal pursuant to Section 9 of the EPC Act. The matter has been referred to a hearing officer for an administrative hearing. The EPC Legal Department has filed a Motion to Dismiss the appeal for failing to demonstrate the appellant is adversely affected by the Executive Director's decision. The hearing scheduled for May 25, 2004 was continued. A new hearing date is currently being scheduled. (AZ)

Northview Hills Civic Association [LNOR04-001]: Petitioner challenges EPC's issuance of an air permit to Conrad Yelvington Distributors, Inc., a materials handling facility. The Petition was referred to the Division of Administrative Hearings on April 5, 2004. The hearing is scheduled for the week of August 23, 2004. A related enforcement case appears under civil cases. (RT)

RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [8]

FDOT & Cone Constructors, Inc. [LCONB99-007]: (*See related case under Administrative Cases*) Authority granted in March 1999 to take appropriate legal action to enforce the agency's nuisance prohibition and Noise Rule violated during the construction of the Suncoast Parkway. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (RT)

Georgia Maynard [LMAYZ99-003]: Authority to take appropriate action against Ms. Maynard as owner and operator of an underground storage tank facility was granted August 1999. A prior Consent Order required certain actions be taken to bring the facility into compliance including the proper closure of out-of-compliance tank systems. The requirements of the agreement have not been met. The EPC filed suit for injunctive relief and penalties and costs on March 8, 2001. The Defendant has failed to respond to the complaint and on July 9, 2001 the court entered a default against the Defendant. On August 28, 2001 the court entered a Default Final Judgment in the case. On March 12, 2002 the EPC obtained an amended Final Judgment that awarded the EPC \$15,000 in penalties and allows the agency to complete the work through Pollution Recovery Fund (PRF) money and to assess these costs back to the Defendant. On April 12, 2002 Ms. Maynard applied for state assistance for cleanup of any contamination at the site. The Defendant has become eligible for state assistance to cleanup any contamination on the property. The parties are attempting to negotiate a sale of the property and have the buyers perform the corrective actions. Negotiations are continuing in the case. (AZ)

Integrated Health Services [LIHSF00-005]: IHS, a Delaware corporation, filed for bankruptcy and noticed EPC as a potential creditor. IHS is a holding company that acquired a local nursing home, which operation includes a domestic wastewater treatment plant that is not in compliance. The Debtor filed a motion requesting that utility companies be required to continue service so that their residents can continue without relocation. (RT)

Botner, Clyde [LBOT03-017]: Authority to take appropriate action against Mr. Botner for unauthorized wetland impacts was granted in September 2003. The EPC issued Mr. Botner a Citation and Order to Correct for the unresolved wetland violations. He failed to appeal the Citation and the EPC is filing suit to enforce the Order. On October 16, 2003 the EPC Legal Department filed a lawsuit requiring corrective actions as well as penalties and costs for the unresolved wetland violation. The Defendant has filed a response to the lawsuit and the case is moving forward. The Defendant denied the EPC access to the site. On April 6, 2004 the EPC obtained judicial authority to inspect the site. A site visit was performed but the Defendant failed to allow a thorough inspection. The EPC obtained a second judicial inspection warrant in May, 2004. On June 1, 2004, the EPC staff executed the search warrant and conducted a site inspection of the property. At the conclusion of the discovery portion of the case the matter will be set for trial. (AZ)

Causeway Station – Patricia Vaca and Letty Cueva [LCAU04-005]: Authority to take appropriate action against Ms. Vaca and Ms. Cueva as owner and operator of an underground storage tank facility was granted April 2004. The parties are responsible for unresolved petroleum contamination existing at the property. On July 8, 2002, EPC issued a Citation and Order to Correct to the parties. The Citation ordered Letty Cueva and Patricia Vaca to complete and submit two copies of a Remedial Action Plan to cleanup the contamination. No response has been made by the parties. The EPC is preparing to file a lawsuit compelling corrective actions. (AZ)

Plant City Nightclub Company [LPLA04-003]: Plant City Nightclub filed a lawsuit against Hillsborough County, the Sheriff's Office, and the EPC requesting declaratory relief and challenging the EPC's enabling act and noise rule. The EPC Legal Department filed a Motion to Dismiss the lawsuit and the matter will be set for hearing. (RT and

AZ)

Presco Food Stores [LPRE03-025]: Authority to take appropriate action against Mr. Patel as owner and operator of an underground storage tank facility was granted in October 2003. The responsible party is currently out of compliance with state and EPC regulations concerning the operation of the underground storage tanks located at the property. The violations remain unresolved and the EPC Legal Department filed the lawsuit on April 28, 2004 compelling corrective actions and seeking penalties and costs. The parties are currently in negotiations concerning a settlement in the form of a consent final judgment. (AZ)

Conrad Yelvington Distributors, Inc. [LCON04-006]: Authority to take appropriate action against Conrad Yelvington Distributors, Inc. for unresolved air emission violations existing at a material handling facility was granted in March 2004. On April 21, 2004, the EPC Legal Department filed a lawsuit seeking corrective actions at the facility and penalties and costs. (RT)

RESOLVED CASES [0]

C. OTHER OPEN CASES [3]

The following is a list of cases assigned to EPC Legal that are not in administrative or civil litigation, but the party or parties have ask for an extension of time to file for administrative litigation in the hope of negotiating a settlement.

EPC v. Chemical Formulators Inc., [LCFI03-027]: An initial Citation was filed against Chemical Formulators, Inc. on November 3, 2003 for violations regarding failure to control chlorine emissions at its facility. An amended Citation issued February 17, 2004. CFI requested an extension of time in which to file an appeal. The parties are discussing settlement. (RT)

Carolina Holdings, Inc. v. EPC [LCHP04-008]: A proposed final agency action letter denying an application for authorization to impact wetlands was sent on May 7, 2004. Carolina Holdings, Inc. requested an extension of time to file an appeal. The EPC entered an Order Granting the Request for Extension of Time on June 3, 2004 and the current deadline for filing an appeal is July 2, 2004. (AZ)

IMC Phosphates, Inc. v. EPC [LIMC04-007]: IMC Phosphates timely requested an extension of time to file an appeal challenging the Executive Director's decision dated February 25, 2004 regarding the review of justification of wetland impacts for Four Corners MU19E. The EPC entered an Order Granting the Request for Extension of Time on May 19, 2004 and the current deadline for filing an appeal is July 14, 2004. (AZ)

EPC LEGAL DEPARTMENT MONTHLY REPORT
July 2004

A. ADMINISTRATIVE CASES

NEW CASES [0]

EXISTING CASES [6]

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RESOLVED CASES [0]

B. CIVIL CASES

NEW CASES [0]

EXISTING CASES [7]

FDOT & Cone Constructors, Inc. [LCONB99-007]: (*See related case under Administrative Cases*) Authority granted in March 1999 to take appropriate legal action to enforce the agency's nuisance prohibition and Noise Rule violated during the construction of the Suncoast Parkway. On September 14, 2000, Mr. Cone signed a Settlement Letter to resolve this case. In addition to prohibiting Mr. Cone from conducting night time operation of heavy duty rock hauling, the Settlement Letter provided for payment of \$1,074.00 as reimbursement for costs and expenses associated with the investigation and resolution of this matter. To date, Mr. Cone has not paid the agreed upon amount. Options for collection of the agreed upon amount are being investigated. (RT)

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RESOLVED CASES [1]

Conrad Yelvington Distributors, Inc. [LCON04-006]: Authority to take appropriate action against Conrad Yelvington Distributors, Inc. for unresolved air emission violations existing at a material handling facility was granted in March 2004. On April 21, 2004, the EPC Legal Department filed a lawsuit seeking corrective actions at the facility and penalties and costs. On July 6, 2004 the Court entered a Consent Final Judgment requiring corrective actions and civil penalties and costs based upon the negotiated settlement between the parties. (RT)

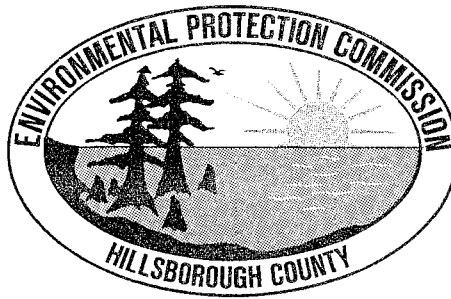
C. OTHER OPEN CASES [2]

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James Lieberman v. EPC [LLIE04-009]: Mr. Lieberman owns a laundromat called U.S. 92 Speedwash. His request for a general permit to operate an industrial wastewater treatment system was denied on June 30, 2004. He requests an extension of time to review his various permitting options, before challenging our denial in an administrative court. (RM)

COMMISSION
 Kathy Castor
 Pat Frank
 Ken Hagan
 Jim Norman
 Jan K. Platt
 Thomas Scott
 Ronda Storms



Administrative Offices,
 Legal & Water Management Division
 The Roger P. Stewart Environmental Center
 1900 - 9th Ave. • Tampa, FL 33605
 Ph. (813) 272-5960 • Fax (813) 272-5157
 Air Management Fax 272-5605
 Waste Management Fax 276-2256
 Wetlands Management Fax 272-7144
 1410 N. 21st Street • Tampa, FL 33605

Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 POLLUTION RECOVERY TRUST FUND
 AS OF JUNE 30, 2004

Fund Balance as of 10/01/03		\$1,739,770
Interest Accrued		23,692
Deposits	FY04	430,063
Disbursements	FY04	205,042

Fund Balance		\$1,988,483
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Encumbrances Against Fund Balance:

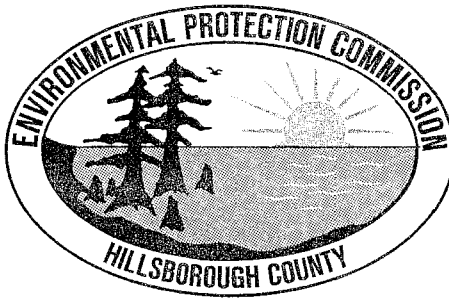
	Artificial Reef	27,085
(66)	Asbestos Abatement	4,486
(73)	Balm Road Scrub	300,000
(84b)	Cockroach Bay Aerial Photos	3,392
(90)	Upper Tampa Bay Trail	71,339
(91)	Alafia River Basin	25,233
(92)	Brazilian Pepper	26,717
(93)	Rivercrest Park	15,000
(95)	COT Stormwater Improvement	37,800
(96)	H.C. Parks/River Civic Center	- 0 -
(97)	COT Parks Dept/Cypress Point	100,000
(99)	Seagrass Restoration Cockroach Bay	58,020
(100)	Agriculture Pesticide Collection	38,116
(101)	Pollution Prevention Program	27,043
	Old Landfills/Coronet	8,654
	Palm River Habitat	200,000
	Riverview Library	10,000
	Simmons Park	60,000
	Adopt A Shoreline	10,416
	Bahia Beach Restoration	150,000
	State of the River	10,000
	Stormwater Mgmt/Florida Aquarium	30,000
	Water Drop Patch/Girl Scouts	7,350
	Tampa Shoreline Restoration	30,000

Total of Encumbrances		1,250,651
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Minimum Balance (Reserve)		120,000 *
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Fund Balance Available June 30, 2004		\$ 617,832
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Executive Director
 Richard D. Garrity, Ph.D.

ENVIRONMENTAL PROTECTION COMMISSION
 OF HILLSBOROUGH COUNTY
 ANALYSIS OF GARDINIER SETTLEMENT TRUST FUND
 AS OF JUNE 30, 2004

Fund Balance as of 10/01/03	\$1,239,034
Interest Accrued	15,246
Disbursements FY04	408,000
Fund Balance	\$ 846,280

Encumbrances Against Fund Balance:

SP462 Port Redwing	- 0 -
Sp464 Davis Tract	- 0 -
SP591 Mechanical Seagrass Planting	3,584
SP597 Fantasy Island Restoration	1,633
SP602 Apollo Beach Habitat Restoration Marsh Creek/Ruskin Inlet	- 0 - 47,500
SP604 Desoto Park Shoreline	150,000
SP610 H.C. Resource Mmt/Apollo Beach Restoration Tampa Bay Scallop Restoration	35,000 127,900
SP611 COT Stormwater Improvements	21,000
SP612 Riverview Civic Center	120,000
SP615 Little Manatee River Restoration	50,000
SP616 Manatee Protection Areas	2,246
SP614 Manatee & Seagrass Protection Fantasy Island	19,200 20,000
E.G. Simmons Park	43,200
Cockroach Bay ELAPP Restoration	205,017
Total of Encumbrances	846,280

Fund Balance Available	June 30, 2004	\$ - 0 -
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**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
AGENDA ITEM COVER SHEET**

DATE: July 22, 2004

TO: Environmental Protection Commissioners

FROM: Sheila Luce, Enforcement Specialist, Waste Management Division

SUBJECT: Request for Authority to Take Legal Action regarding U-Haul Company and Amerco Real Estate Company

RECOMMENDATION: Grant authorization to pursue appropriate legal action, including civil litigation, and settlement authority

BACKGROUND:

U-Haul Company of Florida, a subsidiary of U-Haul International, operates a rental facility, known as U-Haul of North Tampa, DEP Facility ID#298626987 (Facility), on property owned by Amerco Real Estate Company, another subsidiary of U-Haul International. The facility is located at 10415 North Florida Avenue.

On July 17, 2000, EPC received a Discharge Report Form from ATC Associates, Inc., on behalf of Amerco Real Estate Company (Amerco) for a confirmed discharge of petroleum product discovered at the Facility on July 5, 2000. In addition, on September 15, 2000, staff sent Amerco a letter advising that the tanks closure report, received on July 19, 2000, indicated petroleum contaminant concentrations exceeding soil cleanup target levels. The letter also advised that all sites in Hillsborough County contaminated with petroleum products must be remediated in accordance with the requirements of Chapter 62-770, Florida Administrative Code and Chapter 1-7, Rules of the EPC, which requires the initiation of a Site Assessment (SA) within thirty days of the date of discovery of contamination, and the submittal of a Site Assessment Report (SAR) within 270 days of discovery of contamination. On November 26, 2001, staff received and reviewed a document entitled SAR. The SAR was determined to be incomplete and staff notified Amerco on December 5, 2001 that a SAR Addendum was required. On April 22, 2003, staff sent a letter to Amerco advising that the SAR Addendum had not been received and must be submitted within 14 days.

On November 6, 2003, EPC staff issued Citations of Violation and Orders to Correct to U-Haul Company of Florida and Amerco that required the SAR Addendum be submitted within 90 days. To date, the SAR Addendum has not been received and the Citations of Violation and Orders to Correct have not been appealed and have become Final Orders by operation of law. The staff recommends initiation of appropriate legal action to compel compliance with the Final Order and EPC Rules.

ACTION TAKEN BY THE COMMISSION

Approved Disapproved Continued/Deferred Until _____

Other: _____

SPECIAL INSTRUCTIONS: _____

By: _____

MEETING DATE: _____

DIAGRAM (IF APPROPRIATE)

**ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY**

AGENDA ITEM COVER SHEET

DATE: July 1, 2004
TO: Environmental Protection Commissioners
FROM: Kay Strother, Air Management Division
SUBJECT: Request for Authority to Take Legal Action Regarding Pedro Molina d/b/a Professional Repair
RECOMMENDATION: Grant authorization to pursue appropriate legal action and settlement authority.
BACKGROUND: Pedro Molina operates a business known as Professional Repair, located at 120 West Hillsborough Avenue, in Tampa. The business is an auto body repair shop, including a spray painting operation. EPC staff has received complaints from adjacent residents regarding objectionable odors from the spray painting operation since 2003. On April 19, 2004, Pedro Molina and Professional Repair entered into a Consent Order with the EPC. The Order required corrective actions to resolve the objectionable odors violations, and payment of costs and penalties. Mr. Molina and Professional Repair have not complied with the requirements of the Consent Order, and we therefore request authority to pursue appropriate legal action.
<p style="text-align: center;"><u>ACTION TAKEN BY THE COMMISSION</u></p> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued/Deferred Until _____ Other: _____
SPECIAL INSTRUCTIONS: _____
By: _____
<u>MEETING</u> DATE: _____ DIAGRAM (IF APPROPRIATE)

AGENDA ITEM COVER SHEET

Date: July 14, 2004

Agenda Item: Request Authority to Establish Date for Public Hearing to Consider Amendments to Chapter 1-10 (Noise Rule of the EPC)

Description/Summary:

Staff is requesting that the Commission schedule a Public Hearing for the August 2004 EPC meeting to amend Chapter 1-10, Rules of the Commission, the EPC Noise Rule, in order to make updates and corrections to the rule. A public workshop was advertised and held on June 16, 2004 and the CEAC reviewed the proposed revisions on July 12, 2004 and has approved them. The proposed revisions are attached and posted on the EPC website.

Commission Action Recommended:

Schedule a public hearing for 10:00 a.m. on August 19, 2004, to consider amendments to Chapter 1-10, Rules of the Commission.

1 **RULES OF THE**
2 **ENVIRONMENTAL PROTECTION**
3 **COMMISSION**
4 **OF HILLSBOROUGH COUNTY**

5
6 **CHAPTER 1-10**
7 **NOISE**
8

- 9 **1-10.01 Definitions**
10 **1-10.02 Prohibitions**
11 **1-10.03 Sound Level Limits**
12 **1-10.04 Exceptions to Sound Level Limits**
13 **1-10.05 Motor Vehicles**
14 **1-10.06 Waivers for Cultural Events**
15 **1-10.07 Sport Shooting, Law Enforcement**
16 **and Military Training and**
17 **Certification Ranges**
18

19 **1-10.01 DEFINITIONS**

20 A. Definitions contained in Chapter 84-446,
21 Laws of Florida, as amended, apply to this rule.

22 B. The following specific definitions shall
23 apply to this rule:

24 1. **A-Weighted Sound Level** - The sound
25 pressure level decibels as measured on a sound
26 level meter using the A-weighting network. The
27 level so read is designated dBA.

28 2. **Commercial Property** - All property
29 which is used primarily for the sale of
30 merchandise or goods, or for the performances of
31 a service, or for office or clerical work.

32 3. **Cultural Event** - Any event drawing a
33 large attendance for entertainment, amusement,
34 enlightenment or recreation purposes, which in
35 the determination of the Commission, has or is
36 likely to become a community event integrated
37 into accepted social practices or traditions.

38 4. **Decibel (dB)** - The unit in which the
39 levels of various acoustical quantities are
40 expressed. Typical quantities so expressed are
41 sound pressure level, noise level, and sound
42 power level.

43 5. **Emergency** - Any occurrence or set of
44 circumstances involving actual or imminent
45 physical trauma or property damage which
46 demands immediate action.

47 6. **Emergency Work** - Any work
48 performed for the purpose of preventing or

49 alleviating the physical trauma or property
50 damage threatened or caused by an emergency.

51 7. **Industrial Property** - Any property
52 which is used primarily for manufacturing,
53 processing, or an airport.

54 8. **Noise** - Any sound which annoys or
55 disturbs humans or causes or tends to cause an
56 adverse psychological or physiological effect on
57 humans.

58 9. **Noise Nuisance** -

59 a. Sound which

60 (1) is or may be harmful or
61 injurious to the health or welfare of any person,
62 or

63 (2) unreasonably interferes with
64 the enjoyment of life, property, or outdoor
65 recreation of a reasonable person with normal
66 sensitivities, or

67 (3) is of such character and level
68 as to be detectable by a considerable number of
69 persons so as to interfere with their health,
70 repose, or safety or to cause severe annoyance
71 or discomfort.

72 b. Sound which meets the definitions
73 of Section 2, Hillsborough County Ordinance
74 84-4, as amended.

75 10. **Octave Band** - All of the components
76 in a sound spectrum whose frequencies are
77 between two sine wave components separated by
78 an octave.

79 11. **Public Right-Of-Way** - Any street,
80 avenue, boulevard, highway, sidewalk, or alley or
81 similar place normally accessible to the public
82 which is owned or controlled by a government
83 entity.

84 12. **Real Property Line** - An imaginary
85 line along the ground surface, and its vertical
86 plane extension, which separates the real property
87 owned, rented or leased by one person from that
88 owned, rented or leased by another person,
89 excluding intrabuilding real property divisions.

90 13. **Residential Property** - All property on
91 which people live and sleep, parkland, hospitals,
92 schools, nursing homes, or that which is not
93 commercial or industrial, or the individual plots
94 within a mobile home park assigned by the owner
95 of the park.

96 14. **Sound** - An oscillation or alteration in

1 pressure, stress, particle displacement, particle
2 velocity, or other physical parameter, in an elastic
3 medium; or, an auditory sensation evoked by the
4 alterations described above. The description of
5 sound may include any characteristic of such
6 sound, including duration, intensity and
7 frequency.

8 **15. Sound Level** - The weighted sound
9 pressure level obtained by the use of a metering
10 characteristic and weighting scale as specified in
11 American National Standards Institute
12 specifications for sound level meters ANSI S1.4-
13 1983, or in successor publications. If the
14 weighting employed is not indicated, the A-
15 weighting shall apply.

16 **16. Sound Level Meter** - A device used to
17 measure sound pressure level, or weighted sound
18 pressure level, or octave band sound pressure
19 level, and this device is of Type 2 or better, as
20 specified in the American National Standards
21 Institute Publication S1.4-1983 or its successor
22 publication.

23 **17. Sound Pressure** - The instantaneous
24 difference between the actual pressure and the
25 average or barometric pressure at a given point in
26 space, as produced by the presence of energy,
27 which accompanies the passage of a sound wave.

28 **18. Sound Pressure Level** - The sound
29 pressure level of a sound is 20 times the
30 logarithm to the base 10 of the ratio of the
31 pressure of this sound to the reference pressure of
32 20 micropascals. The sound pressure level is
33 expressed in decibels.

34 **19. Spectator Events** - Activities
35 involving competitive sports and parades.

36 **20. Sport Shooting Range** - An area
37 designated and operated for the use of rifles,
38 shotguns, pistols, silhouettes, skeet, trap, black
39 powder, or any other similar type of sport
40 shooting.

41 **21. Ybor City Entertainment District** -
42 Land area north of the right of way of the CSX
43 rail line along 6th Avenue, west of 22nd Street,
44 south of Palm Avenue, and east of Nuccio
45 Parkway.

47 **1-10.02 PROHIBITIONS**

48 **A. Noise Nuisance Prohibited** - No person

49 shall generate, ~~make, continue or~~ cause, let,
50 permit, allow, or allow to continue ~~to be made or~~
51 ~~continued~~ any noise nuisance. If ~~The generation~~
52 ~~or continuation of~~ a noise nuisance is generated
53 or continues after the property owner is notified
54 by the EPC or a law enforcement officer, then the
55 property owner, even if he or she did not generate
56 the noise, will be deemed to have allowed the
57 noise nuisance to continue. ~~upon a property~~
58 ~~following notice to that property's owner of the~~
59 ~~existence of a noise nuisance shall be deemed to~~
60 ~~continue with the permission of the property~~
61 ~~owner.~~

62 **B. Maximum Sound Levels For Receiving**
63 **Land** - Sound levels which exceed the limits set
64 forth in this rule for the receiving land when
65 measured at or within the property line of the
66 receiving land are declared to be noise pollution
67 as defined by Section 3(21) of Chapter 84-446,
68 Laws of Florida.

69 **C. Commercial operation of motorized lawn,**
70 **garden, or other outdoor maintenance equipment**
71 **is prohibited between the hours of 10:00 P.M.**
72 **and 7:00 A.M.**

74 **1-10.03 SOUND LEVEL LIMITS**

75 **A. By Receiving Land Use -**

78 Receiving Land		79 Sound Level
80 Use Category	81 Time	82 Limit, dBA
83 Residential	84 7 a.m.-10 p.m.	85 60
	86 10 p.m.- 7 a.m.	87 55
88 Commercial	89 7 a.m.-10 p.m.	90 65
	91 10 p.m.- 7 a.m.	92 60
93 Industrial	94 At All Times	95 75

96 **B. Octave Band Sound Level Limit** - In
97 addition to the standards of 1-10.03A, for any
98 source of sound which impacts on residential
99 property, the maximum allowable sound level
100 limit for the individual octave bands whose
101 centers are 63, 125, 250 and 500 Hertz shall not
102 exceed 65 dB.

1 C. **Air Conditioning and Air Handling**
 2 **Equipment, Pumps and Compressors** - No
 3 person shall operate or cause to be operated any
 4 air conditioning or air-handling equipment, or any
 5 pumps and compressors, in such a manner as to
 6 exceed any of the following sound levels across a
 7 residential real property line at any time of the
 8 day or night:
 9

10 Measurement	Sound Level Limit
11 Location	dB(A)
12 Any point on neighboring	
13 property line	60
14 Center of neighboring patio	55
15	
16 Outside the neighboring	
17 living area window nearest	
18 the equipment location	55
19	
20	
21	

22 **D. Ybor City Entertainment District**

23 1. Sound levels generated by
 24 entertainment or musical events within the Ybor
 25 City Entertainment District, regardless of time of
 26 day, shall not exceed 65 dBA when received at
 27 any point on the boundary of the Ybor City
 28 Entertainment District as defined in Section 1-
 29 10.01 B.21.

30 2. The maximum allowable sound levels
 31 for the individual octave bands whose centers are
 32 63, 125, 250 and 500 Hertz shall not exceed 75
 33 dB when received at any point on the boundary of
 34 the Ybor City Entertainment District as defined in
 35 Section 1-10.01B. 21.

36 3. Entertainment or musical events within
 37 the Ybor City Entertainment District shall be
 38 regulated by the City of Tampa under their noise
 39 ordinance, except as provided in Sections 1-10.03
 40 D.1. and 2.

41
 42 **E. The Florida State Fairgrounds** is subject
 43 to the sound level limits in this section and to all
 44 other provisions of this rule.

45
 46 **1-10.04 EXCEPTIONS TO SOUND**
 47 **LEVEL LIMITS**

48 It is not the intent of this Rule to regulate

49 noises under all circumstances. However, any of
 50 the following exempt activities or sources listed
 51 in this section remain subject to any other laws,
 52 regulations, codes or ordinances. The following
 53 activities or sources are exempt from the
 54 requirements of Section 1-10.03 of this Rule:

55 A. The emission of sound for the purpose of
 56 alerting persons to the existence of an emergency,
 57 or in the performance of emergency work.

58 B. The unamplified human voice.

59 C. Reasonable operation of equipment or
 60 conduct of activities normal to residential or
 61 agricultural communities such as lawn care, soil
 62 cultivation, maintenance of trees, hedges and
 63 gardens, refuse collections, the use of lawn
 64 mowers, saws and tractors, street sweepers,
 65 mosquito fogging, tree trimming and limb
 66 chipping, and other normal community
 67 operations.

68 D. Normally occurring sounds on church or
 69 school grounds during church or school-
 70 sponsored activities.

71 E. Events directly related to Gasparilla, Fourth
 72 of July, New Year's Eve, Guavaween, or
 73 officially authorized spectator events.

74 F. The lowing of cattle, the clucking of fowl,
 75 the neighing of horses, the baying of hounds and
 76 other normal sounds of animals.

77 G. Motor vehicles operating on a public right
 78 of way, and recreational motorized vehicles
 79 operating off public rights of way, provided the
 80 original manufacturer's exhaust system has not
 81 been modified so as to increase noise levels
 82 during operation of the off-road vehicle.

83 H. Personal watercraft, including amphibious
 84 craft when operated upon the waterways within
 85 Hillsborough County.

86 I. Common carrier stations, including but
 87 not limited to bus stations, transit malls, train
 88 stations, ships' wharves and docks, and airports.

89 J. Sport shooting ranges and shooting ranges
 90 operated solely for the purpose of law
 91 enforcement and military training and
 92 certification, except as provided in Section 1-
 93 10.07.

94 K. The operation of trains, ships, and aircraft.

95 L. Noise generated by the Florida
 96 Department of Transportation arising from

1 activities at existing or future transportation
2 facilities, or appurtenances thereto, on the State
3 Highway System.

4 M. Construction activities occurring between
5 the hours of 7 a.m. and 6 p.m. Monday through
6 Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m.
7 and 6 p.m. Sunday are exempt if reasonable
8 precautions are taken to abate the noise from
9 those activities. Reasonable precautions shall
10 include but not be limited to noise abatement
11 measures such as enclosure of the noise source,
12 use of acoustical blankets, and change in work
13 practice. Construction activities occurring at all
14 other times shall be subject to this Rule.

16 1-10.05 MOTOR VEHICLES

17 A. ~~Recreational Motorized Vehicles~~

18 ~~Operating Off Public Rights of Way~~ No
19 person shall operate or cause to be operated any
20 recreational motorized vehicle off a public right
21 of way in such a manner that the sound level
22 emitted therefrom violates the provision of
23 Section 1-10.03A. This section shall apply to all
24 recreational motorized vehicles, whether or not
25 duly licensed and registered, including, but not
26 limited to motoreycles, go-carts, campers and
27 dune buggies. All such vehicles shall use noise
28 attenuating devices (exhaust mufflers).

29 AB. Motor Vehicles Operated at Facilities 30 for Competitive Events -

31 1. All motor vehicles operated at facilities
32 permitted for competitive motor vehicle events
33 are exempted from complying with Section 1-
34 10.03 A.

35 2. Noise levels from competitive motor
36 vehicle events shall not exceed 68 dBA when
37 measured at or within the property line of
38 residential properties, except as provided in
39 paragraph B.A.3.

40 3. Noise levels from racing activities ~~the~~
41 ~~regular Saturday night races as presently held at~~
42 East Bay Raceway, shall not exceed 78 dBA at
43 the nearest residential property lines.

44 4. Vehicles shall use noise attenuating
45 devices. The type of noise attenuating device
46 utilized is dependent upon, but not limited to,
47 vehicle characteristics, available technology,
48 and conditions set by the Environmental

49 Director pursuant to Section 1-10.05 B.C. Noise
50 attenuating devices may include, but are not
51 limited to, directed exhausts, exhaust mufflers,
52 turbochargers, superchargers, airfoils, diverter
53 vanes, body design, and tire design.

54 BC. Authorization Required -

55 1. No person shall construct, alter,
56 expand, or operate any installation or facility for
57 competitive motor vehicle events without first
58 providing documentation and assurance of com-
59 pliance with Section 1-10.05 A.B., and without
60 first receiving a permit by Letter of Authorization
61 from the Environmental Director.

62 2. The request for a Letter of
63 Authorization shall be in writing and shall
64 contain at a minimum the following information
65 and attachments:

66 a. Name, address, and telephone
67 number of the person, firm, corporation, or
68 association requesting authorization. In the case
69 of a firm, corporation or association, the request
70 shall include the names of its Board of Directors,
71 members, and owners.

72 b. Name and telephone numbers of a
73 responsible party who may be reached at all times
74 during the occurrence of any competitive motor
75 vehicle event.

76 c. Identification of sanctioning body
77 and name and telephone number of
78 representative.

79 d. Location, dates and times of
80 commencement and termination of competitive
81 motor vehicle events, including practice heats.

82 e. Descriptions of the numbers of
83 competitive motor vehicle events planned,
84 number of vehicles participating in each type of
85 event and type of vehicles involved.

86 f. Descriptions of measures,
87 methods, and techniques which will be used to
88 reduce the volume of noise generated by the
89 event, including description and representative
90 illustrations and plans for the enclosure or barrier
91 system or process and performance parameters.

92 g. Plans for operator/employee
93 training and familiarization with requirements of
94 this rule.

95 h. Provisions for trackside and
96 boundary noise monitoring.

1 i. Design features, equipment, work
2 practices, or operational methods to reduce the
3 volume of noise generated by the competitive
4 motor vehicle events.

5 3. Upon reasonable assurance that the
6 requested competitive motor vehicle events will
7 be in compliance with Section 1-10.05 AB., and
8 upon payment of any applicable fee pursuant to
9 Chapter 1-6, the Environmental Director will
10 issue a Letter of Authorization for the event with
11 such conditions as may be necessary, which shall
12 include but not be limited to, date and time of
13 operation, reporting requirements, and monitoring
14 requirements.

15
16 **1-10.06 WAIVERS FOR CULTURAL**
17 **EVENTS**

18 A. The sponsors of a cultural event, which
19 will occur infrequently and which reasonably
20 may not meet the noise standards and regulations
21 provided above, may submit a request for a
22 waiver to the Commission, along with proposed
23 precautions and conditions. The sponsors shall
24 also provide 15 days' written notice to each
25 Registered Neighborhood Organization within
26 one mile of the proposed event, including a
27 description of the event and proposed conditions,
28 the name and telephone number of a contact for
29 more information, and the date and time when the
30 matter will be considered by the Commission.
31 EPC staff shall review the proposal and comment
32 on the reasonable expectations of compliance or
33 non-compliance with the provisions of this rule
34 and the likely impacts to the surrounding
35 community. The proposal, along with staff's
36 comments, shall be reviewed by the Commission
37 at an advertised public hearing. Any waiver
38 granted will specify which provisions of the rule
39 are waived, the times for which they are waived,
40 and any additional conditions which apply.

41 B. All requirements for cultural events
42 waivers shall be separate, and in addition to, the
43 requirements set forth in Hillsborough County
44 Ordinance #89-42 regarding Entertainment
45 Festival Permits.

46
47 **1-10.07 SPORT SHOOTING, LAW**
48 **ENFORCEMENT AND MILITARY**

49 **TRAINING AND CERTIFICATION**
50 **RANGES**

51 A. Compliance Demonstration Required

52 1. Any sport shooting range constructed
53 or in initial operation after the effective date of
54 ~~this rule amendment (December 19, 2000)~~ shall
55 submit to the Environmental Director for review
56 and approval, a noise study, performed by a
57 member of the National Council of Acoustical
58 Consultants, or the National Institute of Noise
59 Control Engineers, demonstrating compliance
60 with this rule. The noise study shall be submitted
61 within 30 days of completion of construction or
62 initial operation.

63 2. The noise study shall consist of noise
64 readings taken 500 feet from the real property
65 line of the sport shooting range, or the real
66 property line of the nearest residential property,
67 whichever is closer, on the north, south, east and
68 west sides of the sport shooting range. Readings
69 shall be taken when the range is operating at
70 maximum capacity. One set of readings shall be
71 taken between the hours of 7 a.m. to 10 p. m., and
72 a second set between the hours of 10 p.m. and 7
73 a.m. Sound levels shall be measured on the A-
74 scale, using a sound level meter as defined by this
75 rule. Meteorological conditions during each test
76 must be submitted as part of the study.

77 3. Any sport shooting range that is
78 constructed or in initial operation after December
79 19, 2000, and either fails to submit a noise study
80 or the study fails to demonstrate compliance with
81 the standards in this rule shall be subject to all
82 standards and provisions of this rule.

83
84
85
86
87 Adopted 6/10/76

88 Amended 11/15/84

89 Amended 11/11/88

90 Amended 10/05/89

91 Amended 05/23/90

92 Amended 05/22/91

93 Amended 06/20/95

94 Amended 01/17/96

95 Amended 12/19/00

96 Draft #6: 07/13/04

EPC AGENDA ITEM SUMMARY SHEET

EPC BOARD MEETING – JULY 22, 2004

Date Prepared: July 14, 2004

Agenda Item: Pollution Recovery Fund – re-appropriation of \$75,000 from Palm River Restoration Project to McKay Bay Dredge Hole Restoration Project

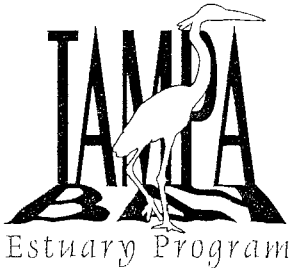
Description/Summary: In 2004 the Board authorized the Surface Water Improvement and Management (SWIM) Section of the Southwest Florida Water Management District (SWFWMD) to receive \$200,000 in funding from the Pollution Recovery Fund (PRF) to carry out a habitat restoration project along a portion of the Palm River. The project is a cooperative effort between SWFWMD and the U.S. Army Corps of Engineers (USACOE). The USACOE plans to fund the majority of the project (more than \$4,000,000) using federal restoration funds.

Due to unforeseen budget issues at the federal government level, the Corps of Engineers portion of the funding has been unexpectedly delayed. At present it appears the project will not get underway for one or more years.

The Tampa Bay Estuary Program (see attached letter) recently contacted EPC staff with an emergency request for \$75,000 from the PRF to help fund a project involving the beneficial use of dredged material to fill an environmentally-problematic dredged hole that is located in McKay Bay, immediately downstream from the Palm River. This project also involves the U.S. Army Corps of Engineers, who will provide, transport and place the material in the McKay Bay dredged hole.

EPC staff support the Estuary Program request, and recommend that the \$75,000 requested by the Estuary Program be appropriated from the Palm River project which has been delayed. SWFWMD staff also support this approach. When federal funds become available once again for the Palm River restoration project, SWFWMD will submit a \$75,000 funding request to the PRF to bring the PRF portion of the budget back up to the \$200,000 level originally approved by the Board.

Commission Action Recommended: Authorize staff to re-appropriate \$75,000 of Pollution Recovery Fund funding, subject to appropriate contingencies, from the Palm River Habitat Restoration Project to the Beneficial Use of Dredge Material in McKay Bay Dredged Hole Project



July 12, 2004

Dr. Richard D. Garrity
Executive Director
Environmental Protection Commission of Hillsborough County
1900 9th Avenue
Tampa, Florida 33605

Subject: PRF funding for McKay Bay restoration project

Dear Dr. Garrity:

I am writing to request your support for a project to partially restore an environmentally degraded area of McKay Bay, and by so doing, help ensure the long-term stability of the Alafia Banks, a treasured bird colony near the mouth of the Alafia River.

The U.S. Army Corps of Engineers (COE) is planning to deepen the mouth of the Alafia River within the next 12 months. The project will produce a large quantity of relatively clean dredged material that could potentially be used for beneficial purposes. The COE is prepared to use 450,000 cubic yards of clean material to restore and stabilize eroded areas of the Alafia Banks, but must find suitable uses for an additional 250,000 cubic yards to make the Alafia Banks restoration work economically feasible. The COE's original plan to fill dredged holes at Whiskey Stump Keys would degrade unique and productive fish habitat, used extensively by recreational fishermen. As an alternative to filling dredged holes at Whiskey Stump, the COE will consider using approximately 250,000 of the clean material to cap contaminated sediment in a degraded dredged hole in McKay Bay. However, the McKay Bay alternative is practical only if additional funds can be provided to offset the higher cost of transporting the material to McKay Bay.

Among the dredged holes that currently exist in Tampa Bay, the McKay Bay hole has been identified as having the poorest water and sediment quality and among the most elevated levels of chemical contaminants. Advisory groups convened by the Estuary Program have recently designated the McKay Bay hole as a top priority for restoration, from both a habitat quality and sediment chemistry perspective. Covering the existing sediments in the McKay Bay hole with clean fill material would be a helpful first step in the restoration process. It would also be an important contribution to the Estuary Program's goal of reducing the extent of contaminated sediments in Tampa Bay.

T A M P A B A Y E S T U A R Y P R O G R A M

Mail Station I-1/NEP • 100 8th Avenue S.E. • St. Petersburg, FL 33701 • (727) 893-2765 • FAX (727) 893-2767 • SUNCOM 513-9497

POLICY BOARD: HILLSBOROUGH COUNTY, MANATEE COUNTY, PINELLAS COUNTY, CITY OF CLEARWATER, CITY OF ST. PETERSBURG, CITY OF TAMPA,
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, U.S. ENVIRONMENTAL PROTECTION AGENCY.



Please consider allocating \$75,000 from EPC's Pollution Recovery Fund (PRF) to support the McKay Bay dredge hole restoration work and help ensure the viability of the Alafia Banks. The COE has indicated that it will be at least another 10 years before a comparable volume of clean dredged material is available again. I will be asking that the Estuary Program's Policy Board approve contributing up to \$25,000 to the project. Because of the time-sensitive nature of the project, which is anticipated to go into construction within the next 8-12 months, I respectfully ask that EPC handle this as an out-of-cycle funding request to the PRF.

Thank you for your past and future contributions to restoring and protecting Tampa Bay. If you have questions or need additional information, please call me at (727) 893-2765.

Sincerely,

A handwritten signature in cursive script that reads "Dick Eckenrod". The signature is written in black ink and is positioned above the typed name.

Richard M. Eckenrod
Executive Director

cc: Mark Hammond, SWFWMD